

Remarks/Arguments

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. By the present amendment, claims 1, 5-14, and 17 are amended. Claims 1, 5-14, and 17 are currently pending. Claims 1, 5-14, and 17 are amended to replace "characterized in that" with "wherein" for better form. These amendments to claims 1, 5-14, and 17 are not done to further distinguish over the prior art.

Claims 1, 5-9, 12-14, and 17 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,530,355 to Griggs ("Griggs"). Claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Griggs in view of U.S. Patent No. 6,592,587 to Roger. Withdrawal of these rejections is respectfully requested for at least the following reasons.

Claim 1 as amended recites a combination of a fixation means for fixation of bone fragments at bone fractures and a device for extracting the fixation means. The fixation means comprises a sleeve and at least one pin provided in the sleeve. The extraction device comprises an inner extraction member connectable to the pin of the fixation means, an outer extraction member connectable to the sleeve of the fixation means, and an extraction handle rotatable relative to the outer and inner extraction members in order to extract the pin in a direction of extraction relative to the outer extraction member and the sleeve. The inner extraction member is insertable into the outer extraction member. The outer extraction member is manually holdable in order to prevent the outer extraction member from rotating when the extraction handle is rotated. The outer and inner extraction members are

respectively provided with rotary preventing members cooperating with each other in order to prevent the inner extraction member from rotating relative to the outer extraction member.

The rotary preventing members of the outer extraction member are non-circular parts of a through hole in the outer extraction member. The rotary preventing members of the inner extraction member are non-circular parts. The rotary preventing members of the outer extraction member are provided in a rear end portion of the outer extraction member. The rotary preventing members of the inner extraction member are provided on a rear end portion of the inner extraction member. The lengths of the inner and outer extraction members and the location and shape of the rotary preventing members are chosen such that the extraction handle can cooperate with the inner extraction member in order to draw the inner extraction member backwards in the direction of extraction only when the inner extraction member is inserted into the outer extraction member so that the rotary preventing members cooperate with each other. It is respectfully submitted that claim 1 patentably defines over Griggs for at least the following reasons.

Claim 1 recites a combination of a fixation means for fixation of bone fragments at bone fractures and a device for extracting the fixation means. Griggs does not disclose or suggest this subject matter. Griggs is related to a compression screw assembly for applying a compressive force to a fractured bone and more specifically to a compression screw system 10 including a lag screw 20, compression plate 30 and compression screw 90 which can be assembled, aligned and installed so that the lag screw 20 is non-rotatably secured to the compression

plate 30 at the option of the surgeon (see Col. 1, lines 5-15 and Col. 3, lines 30-34). Griggs fails to disclose any device for extracting a means for fixation of bone fragments at bone fractures. Griggs merely discloses a compression screw assembly for installing the lag screw into a bone.

Further, Griggs fails to disclose a fixation means that comprises a sleeve and at least one pin provided in the sleeve, and an inner extraction member connectable to the pin of the fixation means, as recited in claim 1. The Examiner considers the lag screw 20 to be an inner extraction member. The lag screw 20 is installed into the shaft of the fractured bone, through the fracture, and anchored in the head of the fractured bone (Col. 3, lines 34-37). The lag screw 20 is not connectable to a pin of a fixation means. In fact, since the Examiner considers the lag screw 20 to be the inner extraction member, there is no pin of a fixation means for fixation of bone fragments at bone fractures in Griggs as suggested by the Examiner. Moreover, Griggs fails to disclose any sleeve of a fixation means let alone a pin that is provided in a sleeve.

Also, Griggs fails to disclose an outer extraction member connectable to a sleeve of a fixation means. The Examiner considers the compression plate 30 to be the outer extraction member. The compression plate 30 is non-rotatably secured to the lag screw 20 and anchored to the shaft of the bone (Col. 2, lines 5-12 and Col. 3, line 68 to Col. 4, line 5). The compression plate 30 is not connectable to a sleeve of a fixation means.

Moreover, claim 1 recites an extraction handle rotatable relative to the outer and inner extraction members in order to extract the pin in a direction of extraction.

Griggs does not disclose or suggest this feature. In fact, since the Examiner considers the lag screw 20 to be the inner extraction member, there is no pin of a fixation means that is extracted by the wrench 50 and wrench handle 58, which the Examiner considers to be the extraction handle.

Thus, claim 1 is not anticipated by Griggs. Therefore, claim 1 is allowable.

Claims 5-14, which depend from claim 1, are amended to be consistent with amended claim 1. Claims 5-14 are allowable as depending from an allowable claim and for the specific recitations therein.

Claim 17 as amended patentably defines over Griggs and the other cited references for at least the following reasons.

Claim 17 is amended to recite a combination of a fixation assembly, which fixes bone fragments at bone fractures, and a device for extracting the fixation assembly. Griggs does not disclose or suggest this subject matter. Griggs is related to a compression screw assembly for applying a compressive force to a fractured bone and more specifically to a compression screw system 10 including a lag screw 20, compression plate 30 and compression screw 90 which can be assembled, aligned and installed so that the lag screw 20 is non-rotatably secured to the compression plate 30 at the option of the surgeon (see Col. 1, lines 5-15 and Col. 3, lines 30-34). Griggs fails to disclose any device for extracting a fixation assembly, which fixes bone fragments at bone fractures. Griggs merely discloses a compression screw assembly for installing the lag screw into a bone.

Further, Griggs fails to disclose a fixation assembly that comprises a sleeve and at least one pin provided in the sleeve, and an inner extraction member

connectable to the pin of the fixation assembly, as recited in claim 17. The Examiner considers the lag screw 20 to be an inner extraction member. The lag screw 20 is installed into the shaft of the fractured bone, through the fracture, and anchored in the head of the fractured bone (Col. 3, lines 34-37). The lag screw 20 is not connectable to a pin of a fixation assembly. In fact, since the Examiner considers the lag screw 20 to be the inner extraction member, there is no pin of a fixation assembly, which fixes bone fragments at bone fractures in Griggs, as suggested by the Examiner. Moreover, Griggs fails to disclose any sleeve of a fixation assembly let alone a pin that is provided in a sleeve.

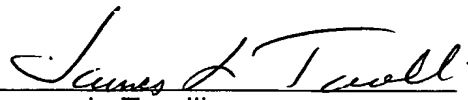
Also, Griggs fails to disclose an outer extraction member connectable to a sleeve of a fixation assembly. The Examiner considers the compression plate 30 to be the outer extraction member. The compression plate 30 is non-rotatably secured to the lag screw 20 and anchored to the shaft of the bone (Col. 2, lines 5-12 and Col. 3, line 68 to Col. 4, line 5). The compression plate 30 is not connectable to a sleeve of a fixation assembly.

Furthermore, claim 17 recites an extraction handle rotatable relative to the outer and inner extraction members in order to extract the pin in a direction of extraction. Griggs does not disclose or suggest this feature. In fact, since the Examiner considers the lag screw 20 to be the inner extraction member, there is no element of a fixation assembly that is extracted by the wrench 50 and wrench handle 58, which the Examiner considers to be the extraction handle. Thus, claim 17 is not anticipated by Griggs and therefore, claim 17 is allowable.

In view of the foregoing, it is respectfully requested that the amendment be entered and the application allowed.

Please charge any deficiency or credit any overpayment in the fees for this matter to our Deposit Account No. 20-0090

Respectfully submitted,


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